IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO.23 OF 2007

Mr.Ajay J. Beri .. Petitioner

Vs.

Union of India and Ors. .. Respondents

Mrs.Jyoti Pawar, Addl.G.P. for respondent nos.2 to 5 and 7

Ms.S.Ajitkumar for respondent nos.6

Mr.Vijay Patil for respondent nos.8

CORAM : J.N.PATEL &
A.A.SAYED, JJ.

DATED : 24TH AUGUST, 2007

P.C.:

1. The petitioner has filed this petition in Public Interest. The grievance made by the petitioner is that the trucks carrying sand, metal and bricks are operating in violation of the Motor Vehicles Act and contrary to the contracts awarded to persons for quarrying these goods causing heavy loss to the revenue and further, the trucks which are overloaded, if allowed to be plied, can

endanger the life and safety of other users of the road and, therefore, the same requires to be regulated by implementing the directions issued by the Supreme Court in the case of **Parmajit Bhasin & Ors. v. Union of India and Ors. reported in AIR 2006 SUPREME COURT 440.** In response to the petition, the authorities have filed their reply and they have stated that steps have been taken to check overloading of vehicles and regulating excavation of minor minerals like sand, metal, earth which is used for manufacturing bricks.

2. On behalf of the Corporation, it is submitted that at check post, weigh bridges are functioning. Few of them had become non functional due to wear and tear and at the time of filing of the affidavit were under repairs. The learned counsel for the Municipal Corporation submits that now all the weigh bridges have become functional and operational.

3. The learned Addl.G.P. states that the authorities are doing their best and the same is reflected in the performance sheet attached to the

affidavit which shows how many such transporters were challaned, prosecuted and huge fines collected from them.

4. In view of the fact that the authorities are taking necessary steps and it is not that the authorities have ignored the problem but they have their own limitations. We therefore, dispose of the petition with a direction to the respondents to improve their performance in checking overloading of trucks and illegal excavation of minor minerals and take all necessary steps in accordance with law and as per the directions issued by the Supreme court in the matter. This court is of the view that it will be very difficult for the court to monitor the alleged illegal activities and it has to repose some faith in the authorities appointed for the said purpose. With these observations, the petition stands disposed of.

(J.N. PATEL, J)

(A.A. SAYED, J)